UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,300	12/16/2003	Michael Muller	LOT920030036US1	7679

45544   7590   11/13/2008
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EXAMINER
AUGUSTINE, NICHOLAS

ART UNIT	PAPER NUMBER
2179	

NOTIFICATION DATE	DELIVERY MODE
11/13/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@HWDPATENTS.COM

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 September 2008</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-10,12-15 and 21-28</u> is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-10, 12-15 and 21-28</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All   b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
  Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

A.   This action is in response to the following communications: Request for

Continued Examination filed 09/03/2008.

B.   Claims 1-10, 12-15 and 21-28 remains pending.

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the

fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since

this application is eligible for continued examination under 37 CFR 1.114, and the fee

set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office

action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

09/3/2008 has been entered.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   This application currently names joint inventors. In considering

patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the

subject matter of the various claims was commonly owned at the time any inventions

covered therein were made absent any evidence to the contrary. Applicant is advised

of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of

each claim that was not commonly owned at the time a later invention was made in

order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35

U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4.   Claims 1-10,12-15 and 21-28 rejected under 35 U.S.C. 103(a) as being

unpatentable over Roberge et al. (US 6,381,611 B1), herein referred to as "Roberge" in

view of Peters et al (US 5,715,449), herein referred to as "Peters".

As for independent claims 1,9 and 21, Roberge teaches a method and corresponding

system and program product for providing a compact interface for display of

an object hierarchy having a plurality of levels (figure 1), comprising:

displaying a first level root node of the object hierarchy and navigation indicia indication,

that the first level root node includes at least one second level child node in a first

window (figure 7; wherein depicted is the parent node ("Test" with an arrow indicating

that more options are available; col.6,lines 10-16); upon selection (figure 8) of the first

level root node in the first window, displaying a pop-up window that includes a listing of

all second level child nodes of the first level root node immediately adjacent and to a

right side of the first level root node in the first window wherein the pop-up window is not

positioned directly below any portion of the first level root node (figure 9; col.6, lines 19-

35); and selecting one of the second level child nodes from the listing of all second

level child nodes included in the pop-up window (col.6, lines 31-35); wherein, upon

selection of one of the second level child nodes, the pop-up window that includes the listing of all second level child nodes of the first level root node disappears from the first window, and is replaced by the selected second level child node, which is displayed immediately adjacent and to the right side of the first level root node in the first window, wherein the first level root node, the navigation indicia, and the selected second level child node are displayed in a linear vertical arrangement with an offset to the right going horizontal in the first window, and wherein a depth of a navigation path through the object hierarchy increases from left to right in the first window (col.6, lines 17-39).

Roberge does not specifically in detail mention that consecutive menu displays are displayed directly to the right to present a horizontal navigation that goes from left to right through a hierarchical tree model, however in the same field of endeavor Peters teaches hierarchical navigation in a linear horizontal arrangement wherein consecutive menu displays are displayed directly to the right to present a horizontal navigation that goes from left to right through a hierarchical tree model; wherein the pop-up window is not positioned directly below any portion of the first level root node (figure 4, col.3, lines 19-39). The modification of Peters into Roberge yields the end result of being able to change the layout of the presentation of Roberge from a vertical right offset display to a horizontal right display of hierarchical menu elements. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Peters into Roberge, this is true because Roberge makes mention of Peters in the disclosure (col.2, line 15:Roberge), also Peters mentions providing a solution for improvement for

message entry and storage system that are to be used in a medical records

environment (col.1, lines 65-67 and col.2, lines 6-12).

As for dependent claims 2,10 and 22, Roberge teaches the method of claim 1, further

comprising: upon selection of the displayed second level child node in the first window,

displaying a pop-up window that includes a listing of all third level child nodes of

the displayed second level child node immediately adjacent and to a right side of

the displayed second child node in the first window (figure 9); and

selecting one of the third level child nodes from the listing of all third level

child nodes included in the pop-up window (figure 15);

wherein, upon selection of one of the third level child nodes, the pop-up

window that includes the listing of all third level child nodes of the displayed

second level child node disappears from the first window, and is replaced by the

selected third level child node, which is displayed immediately adjacent and to

the right side of the displayed second child node in the first window, wherein the

first level root node, the second child node, and the selected third level child

node are displayed in a linear horizontal arrangement in the first window (figure 15;

col.6, lines 24-27).

As for dependent claims 3 and 23, Roberge teaches the method of claim 2, further

comprising: selectively repeating the above-described steps for at least one

subsequent level in the object hierarchy, wherein each selected node is

displayed immediately adjacent and to a right side of a selected node from a

previous level of the object hierarchy in the first window, and wherein each

selected node from a previous level in the object hierarchy and each selected

node from a subsequent level in the object hierarchy are displayed in a linear

horizontal arrangement in the first window (figure 15).

As for dependent claims 4,12 and 24, Roberge teaches the method of claim 3, wherein

the first level root node and any selected nodes are displayed in a linear horizontal

arrangement in the first window, wherein only a single node is displayed for each level

of the object hierarchy (figure 9; displayed left to right).

As for dependent claims 5,13 and 25, Roberge teaches the method of claim 4, further

comprising, upon selection of one of the displayed nodes in the first window:

displaying a pop-up window over the selected displayed node in the first

window that includes a listing of all sibling nodes of the selected displayed node,

and displaying a pop-up window in the first window that includes a listing of all

child nodes of the selected displayed node adjacent and to the right of the

selected displayed node (col.6, lines 24-39).

As for dependent claims 6, 14 and 26, Roberge teaches the method of claim 4, further

comprising, upon selection of one of the displayed nodes in the first window:

displaying a pop-up window adjacent and to the left of the selected

displayed node in the first window that includes a listing of at least one level of

ancestor nodes of the selected displayed node, displaying a pop-up window over

the selected displayed node in the first window that includes a listing of all sibling

nodes of the selected displayed node, and displaying a pop-up window adjacent

and to the right of the selected displayed node in the first window that includes a

listing of all child nodes of the selected displayed node (figures 7-9 and col.6, lines 51-

58).

As for dependent claims 7, 15 and 27, Roberge teaches the method of claim 4, further

comprising, upon selection of one of the displayed nodes in the first window:

displaying a pop-up window to the left of the selected displayed node in

the first window that includes a listing of each level of ancestor nodes of the

selected displayed node, displaying a pop-up window over the selected displayed~

node in the first window that includes a listing of all sibling nodes of the selected

displayed node, and displaying a pop-up window to the right of the selected

displayed node in the first window that includes a listing of each level of

descendant nodes of the selected displayed node (figures 7-9; col.6, lines 10-15, 24-29,

51-58).

As for dependent claims 8 and 28, Roberge teaches the method of claim 1, further

comprising: associating at least one of the displayed nodes with functionality; and

upon selection of one of the displayed nodes, executing the functionality

associated with the selected node (figure 15).

(Note:)   It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and
any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it
contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In
re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009, 158
USPQ 275, 277 (CCPA 1968)).

Response to Arguments

Applicant's arguments filed 9/3/2008 have been fully considered but they are not

persuasive.

After careful review of the amended claims (given the broadest interpretation)

and the remarks provided by the Applicant along with the cited reference(s) the

Examiner does not agree with the Applicant for at least the reasons provided below:

A1.   Applicant argues that Roberge does not teach upon selection of the first level root node, displaying a pop-up window that includes a listing of all second level child nodes of the first level root node immediately adjacent and to a right side of the first level root node in the first window, wherein the pop-up window is not positioned directly below an y position of the first level root node.

R1.   Examiner does not agree, Roberge teaches upon selection of the first level root node, displaying a pop-up window that includes a listing of all second level child nodes of the first level root node immediately adjacent and to a right side of the first level root node in the first window, wherein the pop-up window is not positioned directly below an y position of the first level root node (col.3, lines 19-39 and col.6, lines 19-35). Further Peters was introduced to cure the deficiencies of Roberge wherein Peters teaches hierarchical navigation in a linear horizontal arrangement wherein consecutive menu displays are displayed directly to the right to present a horizontal navigation that goes from left to right through a hierarchical tree model; wherein the pop-up window is not positioned directly below any portion of the first level root node (figure 4, col.3, lines 19-39). The modification of Peters into Roberge yields the end result of being able to change the layout of the presentation of Roberge from a vertical right offset display to a horizontal right display of hierarchical menu elements.

A2.   Applicant argues that it would not be obvious to modify Roberge in view of Peters.

R2.   Examiner does not agree, Roberge provides a design choice within the system

and also makes mention of Peters design choice within Roberge disclosure. Roberge

may disagree with Peters design choice, but one of ordinary skill in the art would not

have been hard pressed to find that the layout preference of Peters could easily be

implemented into Roberge if so desired by one or ordinary skill in the art. The

modification of Peters into Roberge yields the end result of being able to change the

layout of the presentation of Roberge from a vertical right offset display to a horizontal

right display of hierarchical menu elements. It would have been obvious to one of

ordinary skill in the art at the time of the invention to combine Peters into Roberge, this

is true because Roberge makes mention of Peters in the disclosure (col.2, line 15:

Roberge), also Peters mentions providing a solution for improvement for message entry

and storage system that are to be used in a medical records environment (col.1, lines

65-67 and col.2, lines 6-12).

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Inquires

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nicholas Augustine whose telephone number is 571-

270-1056. The examiner can normally be reached on Monday - Friday: 7:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nicholas Augustine/
Examiner
Art Unit 2179
November 5, 2008

/Ba Huynh/
Primary Examiner, Art Unit 2179